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INTERAGENCY ADVISORY GROUP

UNITED STATES CIVIL SERVICE COMMISSION
OFFICE OF THE EXECUTIVE DIRECTOR
WASHINGTON, D.C. 20415



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Secretariat

Room 1304—1900 E St., N.W.
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TO: Directors of Personnel

FROM: Raymond Jacobson
Chairman

SUBJECT: CSC Approval of Demotion Delays

Attached are the proposed guidelines to implement the Commission's decision of August 30, 1977, to extend to all agencies requesting it, administrative remedies similar to those approved for DHEW to delay or avoid demotions.

In that decision, the Commissioners did not approve a proposed Government-wide moratorium on demotions but concluded that those agencies believing that their classification or reorganization problems cannot be dealt with successfully under current CSC procedures should be permitted to request appropriate administrative relief.

These guidelines incorporate our understanding of the Commission's decision, and the comments of the original IAG workgroup and those of union officials on an initial draft of the guidelines. Before asking the Commissioners to consider the guidelines formally, I would appreciate any comments you may wish to make.

Since we hope the Commission will be able to act on the guidelines shortly, I am asking for your comments by September 30, 1977. They should be provided to John D. R. Cole, Director, BPME, either in writing or by phone (632-4408).

Attachment

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GUIDELINES FOR AGENCY REQUESTS TO DELAY OR AVOID DEMOTIONS

I. Purpose of This Temporary Authority

This is a temporary liberalization of the Commission's instructions in FPM Chapter 511-7 governing agency requests to delay demotions and the normal time limitations governing details as described in FPM Chapter 300-8. The purposes of this temporary authority are to:

- minimize the adverse impact of demotions on employees in an agency having overgrading problems or in an agency having such problems as a result of, or in combination with, a major reorganization;
- correct overgrading when the normal corrective processes would have a deleterious effect on the agency's work or would seriously handicap the initiation or completion of planned organizational or program changes; and
- insure that the agency's affirmative action plans are not thwarted by the agency's efforts to place overgraded employees in properly graded positions.

II. Criteria for Commission Approval of This Authority

- A. The agency explains its known overgrading problems or the indicators that overgrading exists and that the actions usually required to correct this overgrading, if implemented during the normal time span, would adversely affect the work of the organization or would, in combination with other management actions, seriously handicap the initiation or completion of planned organizational or program changes;

or

The agency head anticipates a reorganization which will involve substantial movement of people and positions. (This authority would not be appropriate in situations where employees are being separated through reduction-in-force procedures because such would probably necessitate reductions in grade); and

- B. The agency adopts a forceful program to place overgraded employees in properly graded positions with a minimum of adverse personal impact; and
- C. The agency head judges that, to the maximum extent possible, the agency's placement efforts will not have an adverse affect on the agency's commitment to equal employment opportunity and affirmative action for minorities and women.

III. Conditions for Granting This Authority

In the agency's formal request for this authority, the agency head:

- A. Explains the operational and personnel management situation which the agency head believes warrants the granting of the authority;
- B. Commits the agency to correct its classification and overgrading problems by developing corrective action plans to:
 - identify, document, and ultimately correct overgraded positions; and
 - assure the correct classification of existing positions which become vacant and of newly established positions;
- C. Commits the agency to a forceful placement program designed to achieve the overall objective of placing overgraded or displaced employees in properly graded positions as early as practicable before the end of the authorized demotion delay period. Such programs should be tailored to meet the organizational and personnel management needs of the agency;
- D. Insures that the agency's placement plans take into account those organizations or occupations where, due to past practices, minorities or women are underrepresented and authorize exceptions to normal placement efforts to overcome these identified problems;
- E. Affirms that the agency's obligations under Executive Order 11491, as amended, have been met. Specifically, before the agency implements a placement plan for a unit represented by a union having exclusive bargaining rights, the agency has consulted with such union in developing the placement plan; further, that nothing in an agency's placement plans conflicts with any negotiated agreements the agency may have with recognized labor unions. Negotiated placement plans, however, must meet the essential requirements for systematic correction of overgrading and contain provisions to insure that the agency's affirmative action objectives will be met; and
- F. Commits the agency to maintain accurate and timely records on overgraded employees and positions which permit the agency to effectively manage and report on its placement, classification, and affirmative action efforts. The Commission will not require agencies to establish new record keeping procedures for the purposes of this authority, provided that records of all employee transactions clearly establish employee rights in accordance with Federal Personnel Manual instructions.

IV. Situations Covered By the Demotion Delay and Detail Authority

A. Approved demotion delays will cover employees in any one of the following situations:

1. Employees occupying overgraded positions which were established and classified before the terminal date of the authority;
2. Employees who appeal the classification of their positions if the adjudication of the appeal would result in a downgrading. The proper grade of the position will be certified, but the effective date will be suspended during the delay period. Appeal decisions which result in a certification to the same or higher grade will be implemented under normal procedures; and
3. Employees who may become subject to demotion as the result of the issuance of new classification standards.

B. Extended details will be authorized to avoid demotions and the use of reductions-in-force procedures in situations of major reorganization. Agency requests to extend details beyond 120 days may be made separately or in conjunction with a request to delay demotions resulting from classification errors. The nature and length of extended details will be approved on the basis of individual agency justifications for them.

V. Requirements for Agency Requests

Requests for authority to delay demotions or to both delay demotions and to extend details shall be made to the Director, Bureau of Personnel Management Evaluation; requests only to extend details shall be made to the Director, Bureau of Recruiting and Examining, U. S. Civil Service Commission, Washington, D. C. 20415.

A. Requests for Extended Details Only. Requests for extended details should be made over the signature of the Director of Personnel. The request should:

1. explain the agency's need for the extensions;
2. specify the period of time requested;
3. explain how the details will be used and for what purposes; and
4. list the names of the persons the agency proposes to detail.

This will be considered a blanket request, so individual SF-59's
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- B. Requests to Delay Demotions. Requests for this authority shall be made over the signature of the agency head who shall, in addition to the information required in Part III:
1. Identify the organizations (all or part of the agency) for which this authority is requested. The agency must explain the need for such authority agency-wide if the problems and circumstances which prompt the agency's request are confined to only part of the agency;
 2. Define the period of delay requested, up to but no later than December 31, 1979. The length of time requested should be based on the scope and severity of the agency's problems and the placement opportunities likely to occur during the period requested; and
 3. Describe the systems the agency will use to manage and report on the use of this authority and to insure the proper establishment of employee rights upon termination of the authorized delay period. The agency should also describe its internal reporting requirements, the data to be reported, and the frequency of such reports.
- C. Submission of Agency Plans. Agencies are not required to submit their classification and placement plans at the same time they request this authority. Upon approval of such a request, however, the agency should submit its plans for Commission review as soon as practicable. This submission delay permits the agency to fulfill its obligations under Executive Order 11491 and to develop fully workable plans. Upon review, the Commission may require changes in the plans to insure that they address the objectives of this authority. An agency's continued use of this authority is contingent upon Commission approval of its plans and the agency's good faith in carrying them out.

VI. Commission Monitoring of This Authority

The Commission will monitor the effectiveness of agency placement and corrective action plans during the period of authorized demotion delay. Agencies will be required periodically to furnish information reflecting their progress in achieving the purposes of this authority. In addition, the Commission will conduct onsite evaluations of agencies' use of this authority as necessary.